COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

OFFICE CORRESPONDENCE

Date: October 30, 1995

FROM: WILLIAM T. STONICH, COMMANDER
PROFESSIONAL STANDARDS
AND TRAINING DIVISION

TO: JOSEPH P. JAMES, CAPTAIN
CARSON STATION

SUBJECT: **FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS – NON-HIT SHOOTING, MAY 29, 1995, PSTD # 009105**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the non-hit shooting which occurred on May 29, 1995.

The committee met on October 26, 1995, and consisted of myself and Commanders Mangan (FOR II) and Skaggs (FOR III). We determined that the force used by Deputy Frank Lobato, [redacted] was within policy. Please advise the deputy of this finding.

The committee also recommends that you conduct a debriefing with all concerned personnel regarding this incident.

Accompanying this memo is the original PSTD Response Team package which contains the IAB and Training Bureau reports. Please evaluate the included material and complete and sign the enclosed form documenting your recommendations and actions. The package should be forwarded to me through your division chief within 30 days.

WTS:jph

TABLE OF CONTENTS

SUMMARY OF INCIDENT

The summary of this incident is based upon the reports, memos, and audio tapes contained in this packet. The crime reports are included in Exhibits A and C. This investigation also contains information verbally relayed to the Internal Affairs Bureau Investigators. This summary is preliminary, but does contain an interview of the deputies and Subject [redacted] involved in this incident by the Internal Affairs Bureau Investigators.

On Monday, May 29, 1995, Memorial Day Holiday, at approximately 1515 hours, a 245 Just Occurred, at Carson Park, 213th Street and Orrick Avenue, Tag 149, was put out at Carson Station. The assault at the park was between Hispanic and Samoan gang members; guns were involved and responding deputies encountered one gunshot victim, [redacted] MS/20 (Exhibit C). Anonymous informants advised the handling units that the suspects had run into a house at [redacted] E. 213th Street, Carson and a house at [redacted] E. Clarion Drive, Carson. Due to the severity of the incident and the possibility of suspects still in the immediate area, Day Shift personnel were held over to assist with the operation.

Sergeant Stover requested A-Tac-4 Frequency for coordination of the operation and an airship was also requested (Exhibit I). Air 7, Deputies Scott Osborne, #[redacted] and Bruce Stephenson, #[redacted] responded to the request for air support (Exhibit B). While containment of the house on Clarion Drive was occurring, Carson Desk put out information (Exhibit I) that an informant (later identified as [redacted] had called the station and advised that a male Hispanic, wearing a white T-shirt and dark pants, was walking westbound on Clarion Drive with a handgun.

Air 7, hearing the new information, flew over the area and observed a male fitting the description given by Carson Desk. As Air 7 orbited, the subject (later identified as [redacted] MH/12) retrieved what appeared to be a handgun from his waistband and pointed it at the airship. Subject [redacted] continued westbound on Clarion, while Air 7 began to direct two Carson units to Subject [redacted] location.

Deputy [redacted] #[redacted] was in the lead radio car and Deputies Frank Lobato, #[redacted] driver, Carson 167T Days, Michael Coleman, #[redacted] Carson 161 Days, and LaJuana Haselrig, #[redacted] Carson 160Z Days, were in the second vehicle. Air 7 continued to direct the Carson Units toward Subject [redacted] who continued to point the handgun at the airship while walking westbound on Clarion Drive and then southbound on Caroldale Avenue. Deputy Osborne observed Subject [redacted] move to the front porch of [redacted] Caroldale Avenue where he also saw several other people, however, his view was partially blocked by the roof of the porch and a large tree in the front yard. As Deputies [redacted] Lobato, Coleman, and Haselrig arrived and positioned their respective radio cars, they observed Subject [redacted] pointing what appeared to be a handgun at Air 7.

Deputies [redacted] and Lobato, exited their respective vehicles, with guns drawn and ordered Subject [redacted] to drop the gun. As Subject [redacted] turned toward the radio cars with gun in hand, Deputy Lobato, fired two rounds from his Department issued Beretta at Subject [redacted] (Approximately 90'11", Exhibit E). Deputy [redacted] upon realizing the handgun was a toy, yelled this to Deputy Lobato, who immediately stopped firing. Deputy Lobato immediately put out a 998. During this time frame, Deputy Hazelrig was letting Deputy Coleman out of the rear seat of the radio car. Subject [redacted] finally dropped the gun and walked toward the radio cars as ordered to do. While

Subject [redacted] was being searched, Mr. [redacted] Subject's [redacted] continued to interfere with the deputies' orders to stand back. Deputy Lobato had to spray Mr. [redacted] with Oleoresin Capsicum Solution and ordered him to stand back again. Mr. [redacted] then complied.

There were two females, [redacted] FH/12, and [redacted] FW/11, also sitting on the porch at [redacted] Caroldale Avenue. Both females were detained without incident and then released. Subject [redacted] was taken into custody and released to his [redacted] Mr. [redacted] who was not taken into custody. Mr. [redacted] was offered medical treatment by Sergeant Brian Stover, but he refused.

Subject [redacted] MH/12, [redacted] stated that at approximately 1600 hours, he had gone to Clarion Drive, address unknown, to see if his [redacted] could play. However, his [redacted] was eating so he left. As he was coming back, westbound on Clarion Drive he saw a helicopter, Air 7, and he began shooting at the helicopter with his cap gun. He continued westbound until he got to Caroldale where he went southbound to [redacted] Caroldale Avenue. Subject [redacted] stated he went to this address because his [redacted] and his [redacted] were there.

Subject [redacted] said as he stood on the porch at [redacted] Caroldale Avenue, he could see the helicoper, Air 7, coming and he started shooting at it. Subject [redacted] stated the helicopter did not say anything to him and he continued shooting. When he was about to shoot again, he heard two gun shots, threw the cap gun down, and went to the ground.

Subject [redacted] stated he did not see the radio cars come up Caroldale Avenue because he was looking at the helicopter. Subject [redacted] stated he did not think he was doing anything wrong when he was shooting at the helicopter; he had done it once before.

Subject [redacted] stated he was not hurt.

[redacted] FH/12, [redacted] of Subject [redacted] stated she was at her [redacted] house [redacted] Caroldale Avenue, Carson), sitting on the porch talking. Ms. [redacted] stated she saw her [redacted] Subject [redacted] walk up with his cap gun in his hand. Ms. [redacted] stated she observed her [redacted] Subject [redacted] start shooting at the helicopter. Ms. [redacted] stated Subject [redacted] was standing in the driveway when he first started shooting at the helicopter.

Ms. [redacted] stated she saw the radio cars come up the street and she told Subject [redacted] they were there because he didn't see them. Ms. [redacted] stated she told her [redacted] to sit down and put the gun down, but he didn't hear her. Ms. [redacted] stated after the shots went out and the "cops" made her [redacted] go towards them, she and [redacted] went inside [redacted] house. Ms. [redacted] stated the "cops" then came and made them come outside and she was then placed in a "cop" car.

Ms. [redacted] stated she did not see which of the deputies fired the two shots.

Ms. [redacted] stated after the police got her personal information, they let her go. Ms. Palacio stated she was not hurt or mistreated by the police.

Ms. [redacted] FW/11, [redacted] stated between 3:00 and 4:00 p.m., she and her [redacted] were sitting on the front porch. Ms. [redacted] stated that Subject [redacted] had come back from [redacted] house, address unknown, but said it was on the street

north of her house which is Clarion Drive. Ms. [redacted] stated when she saw Subject [redacted] he had his cap gun in his hand. Ms. [redacted] stated Subject [redacted] plays with the cap gun all the time.

Ms. [redacted] stated she observed Subject [redacted] pointing his cap gun at the helicopter, Air 7, and shooting at the helicopter. Ms. [redacted] stated she observed Subject [redacted] shoot two or three times.

Ms. [redacted] stated she did not hear the radio cars come up the street, but when she did realize the police were there, they pulled out their guns and pointed them at them. Ms. [redacted] stated the police said, "Drop your weapon". She was tying her shoes at the time so she dropped her shoe laces.

Ms. [redacted] stated Subject [redacted] looked around, had his hands up, and he said, "Oh", and then the police fired two shots. Ms. [redacted] stated Subject [redacted] then dropped his gun.

Ms. [redacted] stated her [redacted] FW/83, told her and [redacted] to get inside the house and they went in. The police came and told them to come outside. After they were checked, they were put inside a radio car. Ms. [redacted] said her [redacted] told the police that she [redacted] gets headaches from the heat and then the police let her go back inside the house.

Ms. [redacted] stated she was not hurt or mistreated by the police. Ms. [redacted] stated she saw when the police sprayed Subject [redacted] with the "mace". Ms. [redacted] stated Mr. [redacted] kept coming at the police, that the police told him to back up, but he would not cooperate. After he was sprayed, Mr. [redacted] cooperated.

Ms. [redacted] FW/83, [redacted] stated she was sitting in the living room sewing when she heard a loud noise that sounded like a bomb going off right on the porch. Ms. [redacted] stated the front door was open, but she wasn't sure if she had heard the radio cars drive up the street.

Ms. [redacted] stated her [redacted] was outside on the porch with her [redacted] and [redacted] Ms. [redacted] said she did not see or hear Subject [redacted] with a cap gun. At about the same time she heard the helicopter roaring up above.

Ms. [redacted] stated she did not see the deputies shoot at the children. The police came up and made her and [redacted] who had run into the house, come outside. Ms. [redacted] was allowed to sit on a chair on the porch and the police took the children to the radio cars.

Ms. [redacted] stated she heard the deputies tell Mr. [redacted] to get back, but he kept coming up so the deputies sprayed him with "pepper spray".

Ms. [redacted] said the street filled with people from everywhere. Ms. [redacted] said she didn't recognize most of them and she knows most of the people that live on her dead-end street. Ms. [redacted] estimated that [redacted] was in the radio car for about an hour before the police released her.

Deputy Michael Coleman, #[redacted] Carson Station, stated he has been assigned to Carson Station for about two months, including [redacted] Deputy Coleman was not familiar with the street names of the area and said he didn't have his radio with him because he had already put it up, when his [redacted] Deputy Deboom, told him they were rolling to assist with the shooting at Carson Park.

Deputy Coleman said after assisting with a containment, he heard on the radio of another deputy that "Aero had a male Hispanic suspect pointing a gun at them". He then saw Deputies Lobato, Haselrig, and [redacted] run towards some radio cars and he followed. He jumped in the backseat of the radio car with Deputies Lobato and Haselrig in the front. Deputy Coleman said he was seated directly behind Deputy Lobato, who was driving. They were directed to the location of the suspect by the Aero unit.

Deputy Coleman stated as Deputy Lobato positioned the radio car on Caroldale Avenue, he, Coleman, began yelling for Lobato to open the back door, so he could get out. Deputy Coleman said Deputy Lobato's attention was totally focused on the suspect. Deputy Coleman said when they drove up, he observed the male Hispanic (Subject [redacted] holding what appeared to be a black gun. Deputy Haselrig exited the passenger door and came around the vehicle and opened the door for him.

Deputy Coleman said while he was moving to the rear of the radio car to take cover, he simultaneously heard two shots. Deputy Coleman said he then heard Deputy [redacted] say, "It's a toy gun, it's a toy gun". Deputy Coleman said Subject [redacted] was then told to drop the gun and approach the radio car. At the same time Subject [redacted] came out of his house and began walking towards Subject [redacted] Deputy Coleman said Mr. [redacted] was saying, "That's my [redacted] he's just a kid, it's a toy gun, it's a toy gun".

Deputy Coleman said Mr. [redacted] was emotionally upset and kept trying to go towards Deputy Haselrig who was attempting to search and handcuff Subject [redacted] Deputy Coleman stated Mr. [redacted] would not listen to their commands to stay back and Deputy Lobato sprayed Mr. [redacted] Deputy Coleman stated he was also sprayed in the process.

Deputy Coleman stated he was not aware at first that there were two girls on the porch where Subject [redacted] was standing. Deputy Coleman did not remember seeing any people on the sidewalk or yards until after the shooting incident. Deputy Coleman stated he did not actually see Deputy Lobato shoot at Subject [redacted]

Deputy Coleman stated when he first saw Subject [redacted] with the gun, he [redacted] was pointing the gun at the helicopter.

Deputy LaJuana Haselrig, [redacted] Carson Station, stated that she was assigned 160Z on Day Shift on Monday, May 29, 1995. Toward the end of her shift a 245 had just occurred call came out and she became involved in a containment on Clarion Drive. While at the containment, she overheard Carson Desk personnel put out that a male Hispanic, wearing a white shirt and dark pants, was walking with a gun in his waistband. Deputy Haselrig said she and Deputies Lobato, [redacted] and Coleman broke away from the containment and drove to the location of the possible suspect.

Deputy Haselrig stated when they arrived on Caroldale Avenue, Deputy [redacted] parked his car nearest the west curb and Deputy Lobato parked along side of him. Deputy Haselrig said both Deputies [redacted] and Lobato opened their respective driver doors and she heard Deputy Coleman yelling, "Frank, open the back door. Frank, let me out." She then got out of the radio car and went around via the rear of the radio car to let Deputy Coleman out. As she proceeded to let Deputy Coleman out, she heard, "It's a toy gun. Pop, pop. It's a toy gun".
Deputy Haselrig stated she did not know who had shot at that time. Deputy Haselrig said she did not see the gun in Subject [redacted] hand when they first arrived. Deputy Haselrig said she did not

know if Deputy [redacted] put it out over the radio that it was a "toy gun", but she heard him yell it. She then told Deputy Coleman to hold his fire. Deputy Haselrig stated Deputy [redacted] gave commands to Subject [redacted] to come forward and lay on the ground. Deputy Haselrig said she then went up and searched Subject [redacted] As she was preparing to handcuff him, she noticed that Mr. [redacted] was walking up towards her in the street. She said she told Mr. [redacted] to back up and get on the curb, but he did not cooperate.

Deputy Haselrig stated Deputy Lobato also gave Mr. [redacted] instructions to stay back, but he continued to approach her. Deputy Lobato then sprayed Mr. [redacted] allowing Deputy Haselrig to safely take custody of Subject [redacted]

Deputy [redacted] # [redacted] stated when he arrived to work, he was told to immediately go out to Carson Park regarding a 245 that had just occurred. Deputy [redacted] stated he and his partner, Deputy Scott Akin, responded to 213th Street at Bolsa Street. After containing the initial crime scene at the park, Deputy [redacted] stated his partner was sent to Harbor General Hospital with the gun shot victim.

Deputy [redacted] stated he then proceeded to the house where a suspect was supposedly hiding until an airship, Air 7, arrived to assist with the containment. While waiting for the Canine Unit to arrive, Carson Desk put out that an informant had called and said that a male Hispanic, with a handgun, was running on Clarion Drive from Main Street. Since he was not in a vital position of the containment, he ran to a radio car and proceeded to the location of the suspect. Deputy [redacted] said Air 7 apparently heard the same information and flew over to that location.

Deputy [redacted] stated as he drove to the location, Air 7 put out over the radio that they could see the person matching the description, that the male had a gun in his hand and at one point said that the male was pointing the gun at the airship. The airship then directed him and Deputy Lobato, who was behind him, to where the male Hispanic was because Claroldale is a cul-de-sac.

Deputy [redacted] stated as he proceeded northbound on Caroldale, Air 7 told him that the suspect was standing in front of a house south of the dead end street and that the suspect was pointing the gun at them. Deputy [redacted] stated he was the first to arrive and parked his radio car one house south of where the suspect was. Deputy Lobato drove up a "split second" later and parked.

Deputy [redacted] stated as he proceeded to get out of his car, he could tell Deputy Lobato was also exiting his radio car. Deputy [redacted] stated he looked in the direction of where Air 7 had said the suspect was standing and saw a male Hispanic, wearing a white shirt and black pants. He noticed that the suspect was holding what appeared to be a two or three inch revolver, possibly a .22 caliber, and he was pointing it up at the airship.

Deputy [redacted] stated he had his gun drawn during this time and ordered the suspect to drop the gun by shouting at him. Deputy [redacted] did not know if the suspect heard him, but then turned in his direction. As the suspect was turning, with gun in hand, Deputy [redacted] stated he was concentrating on the gun and its position, when he noticed that it had a red tip. He said he then immediately put out that it was a toy gun. Deputy [redacted] stated that almost instantaneously with his announcement, Deputy Lobato fired two rounds. Deputy [redacted] stated he shouted to Deputy Lobato, "Hold on" and Deputy Lobato stopped firing. The suspect then dropped the gun and went to the ground as well.
Deputy [redacted] stated he could tell the suspect was not hit as he was still looking up at them as if waiting for directions. Deputy [redacted] stated he got on his P.A. System and ordered the suspect to

stand up and start walking toward his direction. He then had the suspect, identified as Subject [redacted] assume a prone position so he could safely be searched and verification of any additional weapons could be made.

Deputy [redacted] stated as Deputy Haselrig began to search Subject [redacted] he noticed a male Hispanic, approximately 45 years of age, come from a house on the east side of the street. Deputy [redacted] stated he ordered the man to stay back and so did Deputy Lobato. When the man would not comply, Deputy Lobato sprayed him, at which time he went back into his yard and washed his eyes out with a water hose.

Deputy [redacted] stated he was aware that there were two females sitting on the porch when he first arrived.

Deputy [redacted] stated it was only a "split second" from the time he realized the gun Subject [redacted] was holding had a red tip on it to the point he heard the two shots. He felt that he may have just begun to announce that it was a toy gun as Deputy Lobato fired.

Deputy Frank Lobato, [redacted] 167T Days, Carson Station, stated that he responded to a request by a sergeant for assistance to "245 just occurred". He assisted with the original containment of the area. He then moved to [redacted] E. Clarion where he and Deputy Haselrig were containing the rear of the location. As additional information continued to be known, he learned that suspects were still in the area and moving north of the area. He also leared that the suspects were possibly from the Keystone area, described as male Hispanics, ages from 12 to 19.

Deputy Frank Lobato stated while waiting for an airship to show up, additional information came out that a male, Hispanic, wearing a white shirt and dark pants, was running up the street with a gun in his hand. Deputy Lobato stated he believed this could very well be one of the suspects involved in the 245. He heard Air 7 request some units to go to the location of the male Hispanic so he and Deputy Haselrig broke away from their containment (as there were other deputies present), picked the nearest radio cars and drove toward the location. Deputy Lobato stated Deputies [redacted] and Coleman went as well.

Deputy Lobato stated as he drove towards the location, Air 7 kept saying, "He's pointing the gun at us". Air 7 also put out that "the male Hispanic, white shirt, dark pants, is pointing a gun at us". Air 7 then directed them to the suspect's location. Deputy Lobato stated Deputy [redacted] was the lead vehicle and he followed directly behind him. Air 7 continued to give them information, stating, "He's all the way down there; make a right at Caroldale, all the way down; he's on the porch, he's on the porch, pointing the gun at us".

Deputy Lobato stated as he drove up Caroldale Avenue, he saw the suspect, later identified as Subject [redacted] run from the lawn onto the porch with his back facing away from him. His first thoughts were that the suspect was going to run away. As he opened his car door and was trying to get out, he heard Deputy Coleman, who was in the back seat, yelling, "Let me out of the car". Deputy Lobato stated he realized that Deputy Haselrig had gotten out of the vehicle, while his attention was drawn totally on the suspect. As he watched the suspect with the gun in his hand, turn toward his direction, Deputy Lobato believed he began to shout, "He's got a gun, he's got a gun".

Deputy Lobato stated he had one leg out of the vehicle, but was still seated in the radio car, hearing Deputy Coleman still yelling to be let out, when the suspect turned toward them. At this point

Deputy Lobato believed the suspect was going to shoot at them, so he fired two rounds.

Deputy Lobato stated he immediately put out a 998 on the radio (SRC Tapes, Exhibit I) and then lost sight of the suspect. Deputy Lobato stated he heard Deputy [redacted] yell out, "Wait", but could not remember [redacted] saying anything else. As Subject [redacted] was proned out and Deputy Haselrig attempted to search him, Deputy Lobato stated an older male Hispanic kept trying to interfere. Fearing that he would attack Deputy Haselrig, Deputy Lobato stated he sprayed the male with O.C. spray (which also struck Deputy Coleman) downwind.

Deputy Lobato stated he didn't think Subject [redacted] was aware of his presence until he turned with the gun in his hand.

Deputy Lobato felt that it only took seconds from the time he stopped his radio, opened his car door, pulled out his gun and, in a two handed grip, fired two shots. Deputy Lobato stated that he honestly felt the suspect was going to turn and shoot at them and that is the reason he fired the two rounds at the suspect.

Deputy Lobato stated that he was not aware of any bystanders or pedestrians on the street until he saw the male Hispanic, Mr. [redacted] come out.

Deputy Lobato stated he was aware that two females were on the porch to the left of the suspect, but when he made the decision to shoot, he felt confident that he had the suspect in his sights. Deputy Lobato stated he wished he could go back and change what happened, but at that "split second" his frame of mind was that this was the real suspect and the suspect was a real danger to him.

Deputy Bruce Stephson, [redacted] Aero Bureau, stated that he was assigned to Air 7 on Monday, May 29, 1995. On that day he was the pilot and his partner, Deputy Scott Osborne, was the observer. They received a call from Carson Station to assist with a 415 at a park, but they could not immediately respond. By the time they were able to arrive in Carson, Deputy Stephenson said the incident had escalated to shots fired, victim down, and suspects fleeing into the residential area.

Deputy Stephenson said it was intially difficult to determine exactly what the containment was, but after a few minutes focused on a particular house in the residential area north of the park. He recalled that the information he received was that there were three or four suspects outstanding.

Deputy Stephenson stated while providing air containment of the residence, he believed, but could not be positive, that the Command Post put out information from a citizen that one of the possible suspects, described as a male Mexican teenager, wearing a white T-shirt, was walking in a certain area with a gun in his waistband. Deputy Stephenson believed they were also told that the citizen was watching the suspect through binoculars.

Deputy Stephenson stated he then flew the airship westbound from where they had been and his partner, Deputy Osborne, located the described suspect with the help of Gyro stablized binoculars. Deputy Stephenson stated he heard his partner relate to the ground crews over the radio, that he could see the suspect and that the suspect was pointing a gun at them.

Deputy Stephenson stated he never saw the suspect pointing the gun, but he only caught a glimpse of the susepct when the suspect ended up in front of a residence when he moved from a tree to a porch.

Deputy Stephenson stated his normal patrol altitude is about 500 feet above ground. When they are zeroing in on a call, they usually go a little bet lower and probably were about 400 feet above ground at that point. Deputy Stephenson stated he did not see any people coming out of their homes because of their circling that particular area, but that he has a tendency to look in broader areas while the observer focuses in on the primary location.

Deputy Stephenson stated he did see the radio cars pull up just south of the initial location and it looked to him as if the deputies that got out of their radio cars had their guns drawn. Deputy Stephenson stated he did see a latino individual, wearing a white T-shirt, heavy built, come out of a house and interfere with the deputies. He said he switched over to the P.A. and ordered the male at least three times to get out of the street and back away from the deputies.

Deputy Stephenson did not know what was going on with the suspect at this time and shortly thereafter more radio cars arrived. Deputy Stephenson stated that in his estimation it was only a matter of seconds from the time he remembered hearing a Code 4, Toy Gun, and when the 998 came out.

Deputy Scott Osborne, [redacted] Aero Bureau, stated that he was the observer in Air 7 on Monday, May 29, 1995. After receiving a request for assistance in the City of Carson, Deputy Obsborne stated he and his partner, Deputy Stephenson, who was the pilot, flew to a location where a containment had been set up on a possible suspect.

Deputy Osborne stated after being there for several minutes, they received information via the radio that an informant had advised that one of the suspects may be walking on the other side of Main Street and he advised that he and his partner would go take a look. Deputy Osborne stated a brief description of the suspect was also put out.

As they flew about three blocks west and began looking for the suspect, Deputy Osborne stated he observed a male matching the description given by the informant. Deputy Osborne recalled that the suspect was Hispanic, wearing a white shirt and dark pants. As they orbited, the suspect began to look at them and Deputy Osborne began looking at the suspect through the Gyro Binoculars. He then observed the suspect to retrieve what appeared to be a handgun out from his waistband and begin pointing it at the helicopter.

Deputy Osborne stated he immediately got on the radio and advised the ground units at the containment that he had observed the suspect in question and he did appear to have a handgun. Further, that the suspect was pointing the gun at the helicopter. Deputy Osborne stated he then got an acknowledgement from a couple of ground units who said they would respond to the area.

Deputy Osborne stated the handgun appeared to him to be a revolver. Deputy Osborne stated he could not determine if the suspect was actually firing at them even with the binoculars. The suspect continued to walk westbound, he then turned southbound on Caroldale Avenue. Deputy Osborne stated he could see that the radio cars could not go southbound from the street the suspect was on because of some barricades, so he advised the ground units to go southbound on another street and then turn northbound on Caroldale Avenue.

Deputy Osborne stated he observed the suspect walking on the west side of the street to a house and continue to point the gun at the helicopter. At about that time the radio cars came up the street and attempted to detain the suspect at gun point. Deputy Osborne stated as the radio cars stopped, the suspect had walked towards a front porch area of the residence and his view was obstructed by

a large tree and the roof of the porch.

Deputy Osborne stated he heard the ground units as they attempted to detain the suspect, he then heard a transmission of "toy gun" and within the next second or two he heard "998". Deputy Osborne stated he did not see which deputy shot nor did he know how many deputies shot. Deputy Osborne stated he readvised over the air that there was a 998 and requested additional units to the location.

Deputy Osborne stated once the suspect was taken into custody and the weapon had been retrieved, they returned to the original containment where they provided assistance to the canine unit that had arrived.

Deputy Osborne stated he documented his observations of the incident in a supplemental report, Exhibit B, and made an entry in his daily activity log, Exhibit B. Deputy Osborne added that even though he was using the Gyro binoculars, it is hard to see any muzzle flash during the day time hours coming from a small caliber revolver. Deputy Osborne stated the handgun used by the suspect did appear to him to be a real handgun.

Mr. [redacted] stated he had been outside in his front yard when he walked into his living room to watch T.V. As he sat down on his couch which faces the back yard and [redacted] Clarion Street, he noticed a male Mexican walking down the street with something in his back waistband. He continued to watch him and he saw the male pull out what appeared to be a small caliber weapon.

IAB NOTE: Clarion Street [redacted] at the [redacted] of Mr. [redacted] His couch faces sliding glass door windows which look out and down Clarion Street.

Mr. [redacted] stated the handgun looked like a small .22 caliber handgun and the male kept pulling it out and putting it back, walking up and down the street, acting strange.

Mr. [redacted] stated he picked up a pair of binoculars that he kept in the living room and observed the male walk down Clarion towards Moneta Avenue. Mr. [redacted] stated he has a scanner in his residence and was aware of the incident at Carson Park. At this point [redacted] stated he believed he telephoned the Carson Station to advise of his observations.

Mr. [redacted] stated he told the officer on the telephone that he was watching a "kid" with what appeared to be a weapon and that the kid was pointing the weapon at the helicopter and acting as if he was shooting at the helicopter. The officer asked him to stay on the line while he put out the information.

Mr. [redacted] stated once the "kid" moved south onto Caroldale Avenue, he no longer had view of the "kid". Mr. [redacted] stated he continued to stay on the line and then heard what sounded to be a small caliber weapon discharge. Mr. [redacted] stated the officer came back on the line and he told the officer that he had heard a weapon discharge and within a matter of seconds two radio cars came driving down Clarion Street.

Mr. [redacted] stated that although he could not see the "kid" after he went onto Caroldale, he could hear officers yelling, "Put it down, put it down", continuously as though the "kid" was not listening to them.

Mr. [redacted] stated he only heard one shot fired and did not see who fired the shot.

Mr. [redacted] listened to the 9-1-1 Tape from Carson Station (Exhibit H) and identified the male voice as his telephone call to Carson Station on Monday, May 29, 1995.

The expended round that struck the tree in the front yard at [redacted] Caroldale was located on the walkway (Exhibit G). A search for the second expended round met with negative results.

On Tuesday, May 30, 1995, this investigator returned to [redacted] Caroldale Avenue, Carson, to interview Mr. and Mrs. [redacted] under less emotional circumstances. Mrs. [redacted] advised this investigator that neither she nor her [redacted] would be interviewed without their attorney. Mrs. [redacted] provided this investigator with the business card of Attorney [redacted] Pacific Coast Highway, Suite [redacted] Mrs. [redacted] told this investigator that an immediate call to Mr. [redacted] would secure an interview. However, to date Mr. [redacted] has not returned this investigators telephone calls.